

## SECRETARY OF STATE[721]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code sections 17A.3 and 490.135, the Secretary of State hereby gives Notice of Intended Action to amend Chapter 40, “Corporations,” Iowa Administrative Code.

The rules in Chapter 40 specify actions related to applications and filing requirements for corporations. This proposed amendment adds new rule 721—40.9(490), which requires that a registered agent if filing online provide an e-mail address through which to receive notices and other communication pursuant to Iowa Code sections 490.120 and 490.135.

Any interested person may make written suggestions or comments on this proposed amendment on or before December 6, 2011. Such written materials should be directed to the Office of the Secretary of State, Attn: Doug Struyk, Capitol Building, Des Moines, Iowa 50319; fax (515)242-5952. Persons who wish to convey their views orally should contact the Secretary of State’s office by telephone at (515)281-7041 or in person at the Secretary of State’s office on the first floor of the Lucas State Office Building.

Also, there will be a public hearing on December 6, 2011, at 9 a.m., on the first floor of the Lucas State Office Building, Des Moines, Iowa, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any persons who intend to attend the public hearing and have special requirements, such as those relating to hearing or mobility impairments, should contact the Secretary of State’s office and advise of specific needs.

After analysis and review of this rule making, no adverse impact on jobs has been found. Requiring e-mail addresses should increase efficiency for corporations conducting business in Iowa.

This amendment is intended to implement Iowa Code chapter 490.

The following amendment is proposed.

Adopt the following new rule 721—40.9(490):

**721—40.9(490) Online filing requirements.** The following requirements apply to the electronic filing of documents and the certification of electronic documents.

**40.9(1)** Registered agents who file documents electronically must provide an e-mail address to the secretary of state.

**40.9(2)** For filings requiring an online account, an applicant must follow the terms and conditions on the secretary of state’s Internet Web site for each electronic filing.

**40.9(3)** All correspondence related to an electronic filing shall be handled electronically in accordance with the requirements set forth in the uniform electronic transactions Act, Iowa Code chapter 554D.

**40.9(4)** Documents filed electronically shall be accompanied by the appropriate fee. This fee must be paid by check, credit card, or secretary of state charge account.